

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 RODERICK WISE, an individual,  
5 Plaintiff,

6 v.

7 SOUTHERN TIER EXPRESS, INC., a New  
8 York corporation; DOES I through X; and  
9 ROE CORPORATIONS I through X,  
10 inclusive,  
11 Defendants.

Case No. 2:15-cv-01219-APG-PAL

**ORDER DENYING MOTION IN  
12 LIMINE NO. 5 (DRUG REHAB, USE, OR  
13 ABUSE)**

(ECF No. 83)

14 Plaintiff Roderick Wise seeks to exclude “evidence of time spent in rehab and/or drug use  
15 or abuse by Mr. Wise.” ECF No. 83. The defendant responds that Wise’s history of drug and  
16 alcohol use is relevant to his allegation of memory problems, and that his drug use history is  
17 relevant to the treatment he has received as a result of this accident. ECF No. 101 at 2-3. The  
18 defendant also argues that there is evidence Wise has improperly used his pain medication and  
19 that he was not honest with his physicians about his pain medication usage. *Id.*

20 I deny Wise’s motion without prejudice to object to particular questions, answers, and  
21 arguments at trial. To the extent the defendant is able to lay an evidentiary foundation that Wise  
22 has misused drugs or pain medication, that may be relevant to his healing process, the treatment  
23 he was prescribed, and his life expectancy for purposes of calculating his damages. Additionally,  
24 to the extent there is an evidentiary basis to show that Wise was not truthful with his treating  
25 physicians about misuse of medications, that may bear on his credibility. The defendant may  
26 make arguments about pain medication abuse so long as those arguments are supported by  
27 evidence elicited at trial. Therefore, Wise’s motion in limine (ECF No. 83) is **DENIED**.

28 DATED this 10th day of July, 2017.

  
\_\_\_\_\_  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE